

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>INSITUFORM TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AMERICAN HOME ASSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 04-10487 GAO</p>
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**AMERICAN HOME ASSURANCE COMPANY’S MOTION TO FILE REPLY
MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS CROSS-MOTION FOR
SUMMARY JUDGMENT AND OPPOSITION TO INSITUFORM TECHNOLOGIES,
INC.’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant American Home Assurance Company (“American Home”) hereby moves for leave to file the accompanying Reply Memorandum of Law in Further Support of its Cross-Motion for Summary Judgment and Opposition to Insituform’s Motion for Partial Summary Judgment (“Reply”) attached as Exhibit A. In support of this Motion, American Home states the following:

1. American Home’s accompanying Reply responds to new arguments made in Plaintiff’s Opposition not previously presented to the Court and will assist the Court in its consideration of the pending Motions for Summary Judgment.

2. In support of its Opposition, plaintiff filed a new statement of undisputed facts that contains newly alleged facts to which American Home has not had an opportunity to respond. Plaintiff also filed an affidavit alleging facts to which American Home has not had an opportunity to respond.

3. It is in the interest of justice to permit American Home to file the Reply and the filing thereof will neither prejudice Plaintiff nor delay resolution of the pending Motions for Summary Judgment.

WHEREFORE, American Home prays that its Motion to File a Reply Memorandum of Law be granted.

LOCAL RULE 7.1(A) CERTIFICATION

By signing below, the undersigned certifies that he conferred with counsel for plaintiff on July 21, 2004 in a good faith effort to resolve or narrow the issue presented by this motion and that counsel for plaintiff refused to assent to this motion.

/s/ G. Rubenstein
Gregg A. Rubenstein

AMERICAN HOME ASSURANCE COMPANY,

By its attorneys,

/s/ G. Rubenstein
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Dated: July 23, 2004